(c) Government's reaction thereto?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) and (b) The National Human Rights Commission set up a high-level Committee to consider all aspects of the problem of sexual harassment of women in the legal profession. The Committee after considering as to how the legal fraternity could implement the guidelines and norms prescribed by the Supreme Court in Vishakha Vs. State of Rajasthan (AIR 1997 SC 3011), came to the conclusion that there was need to suitably amend the Advocates Act, 1961, so as to make provision for an appropriate mechanism to deal with complaints of sexual harassment. It was also recommended that till the necessary amendments were carried out in the Act, the Bar Council, under section 9 of the Act, could set up a Disciplinary Committee exclusively to deal with cases of sexual harassment in the legal profession.

(c) Regulation of legal profession being primarily the concern of the Bar Council of India, its comments were obtained. The Council has informed that it considered the matter in depth and was of the opinion that the same was covered under section 35 of the Advocates Act, 1961 and no fresh amendment was called for. State Bar Councils already have the power to deal with complaints of sexual harassment in the legal profession, in the exercise of their disciplinary jurisdiction under section 35 of the Act.

Need for more effective legal system

1961. SHRI GHULAM NABI AZAD: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government agree that there is a need to make the legal system more effective;

(b) if so, whether any changes are being contemplated in this regard;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) The Government have been constantly taking steps to make the legal system more effective.

(b) and (c) Apart from increasing the Judge strength from time to time, various steps have been taken by the Courts, viz. grouping off cases involving common questions of law, constitution of specialized benches and organizing Lok Adalats at regular intervals etc. The Government have also encouraged and set up alternative modes of disposal including mediation, negotiation and arbitration. The Legal Services Authorities Act, 1987 has been amended by inserting Chapter VIA in the Act to provide for compulsory pre-litigative mechanism for conciliation and settlement of cases in certain public utility services. Special tribunals like Central Administrative Tribunal, State Administrative Tribunals, Income Tax Appellate Tribunals, Labour Courts, Consumer Courts etc. have been set up to expedite disposal of cases and to reduce the workload of regular Courts. Fast Track Courts for the disposal of long pending cases, particularly sessions cases and the cases involving under trials in jails have been set up. The Code of Civil Procedure, 1908 has further been amended to simplify the procedure and to reduce the delays in disposal of suits.

(d) Does not arise.

Opening of legal sector for Foreign Advocates

1962. SHRI C.P. THIRUNAVUKKARASU: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are facing problems in opening legal sector to Foreign Advocates as committed by Government and GATT;

(b) if so, the details thereof; and

(c) steps proposed to be taken to meet the stiff opposition from the Indian Lawyers in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) to (c) As it is one of the statutory functions of the Bar Council of India to safeguard the rights, privileges and interests of advocates (vide section 7(1) (d) of the Advocates Act, 1961), it was requested for its views on the subject. The Council is totally opposed to the entry of foreign lawyers in India. The Council also adopted a Resolution in its meetings held on 24th and 25th October, 2002, which reads as under: